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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 21st February, 1975:—

BILL NO. 5 OF 1975

A Bill to change the English names of Irwin and Willingdon Hospitals, New Delhi.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Irwin and Willingdon Hospitals, New Delhi (Re-naming) Act, 1975. Short title and commencement.

(*2*) It shall come into force, as respects the Irwin Hospital, on the 13th April, 1975, the day on which the Jallianwallah Bagh massacre took place and, as respects the Willingdon Hospital, on the 10th May, 1975, the day on which the first war of independence started.

2. The Irwin Hospital and the Willingdon Hospital, New Delhi shall be re-named as the Sardar Bhagat Singh Hospital and the Rani Laxmi Bai Hospital respectively. Renaming of Hospitals.

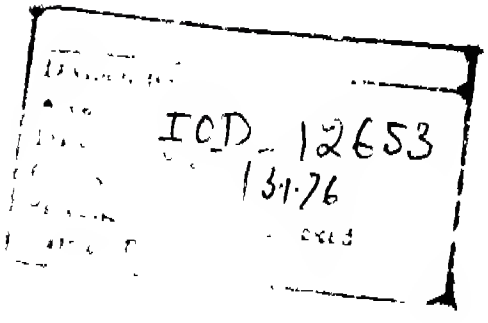
STATEMENT OF OBJECTS AND REASONS

Being the Capital of the Country, a very large number of our countrymen and people from other countries of the world come and visit New Delhi annually to find the two main Hospitals in the capital in the name of two British Viceroys and Governor Generals most brutal in their persuits—Lord Irwin in whose administration Sardar Bhagat Singh was hanged and cut to pieces disregarding the national sentiment to spare his life and Lord Willingdon who was specially chosen to crush the independence demand of the country. These British names are a national stigma and blot reminding even today the dark pages of history and colonial legacy.

Hence this Bill.

RAJDEO SINGH.

NEW DELHI;
The 2nd December, 1974.



FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for changing the names of the Irwin and Willingdon Hospitals, New Delhi. A very little non-recurring expenditure of about ten thousand rupees is likely to be involved for changing the sign boards, seals and stationery, etc. from the Consolidated Fund of India. No recurring expenditure is likely to be involved.

BILL No. 4 OF 1975

A Bill to curb the use and import of foreign money for publication of publicity materials and for running of any educational, social and religious institution or organisation in the country.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title

1. This Act may be called the curb on Foreign Money Act, 1975.

Definitions.

2. In this Act,—

(*a*) "foreign money" means any fund or money received from a foreign source (Government or any agency);

(*b*) "institution or organisation" means an institution or organisation with educational, social or religious nomenclature but indulging into nefarious and anti-national activities;

(*c*) "jounalist" means an editor, sub-editor, editorial writer, reporter and any other person whose business it is to edit or write for newspapers;

(*d*) "political party" means an organisation, recognised or unrecognised, including its secret wing, if any, with a political ideology,

an economic programme and a programme having in it also the contest to State and Central Legislatures.

Explanation.—For the purposes of clause (*a*), any fund or money received from outside the country (India) shall be presumed to be from a foreign source unless proved contrary.

Restriction on use of foreign money.

3. No political party, printer, publisher, journalist and institution or organisation of any complexion shall accept and use any foreign money for undermining the national solidarity and national integration in the country and enter into any adverse criticism of a friendly country.

Report to district magistrate on receipt of foreign money.

4. A political party, printer, publisher, journalist and institution or organisation on having received any foreign money for publishing or printing and circulating news items or for adopting particular lines or bias shall report in writing within 24 hours to the district magistrate of the district where he (including the representative of the political party) resides in connection with his profession.

Penalty.

5. Any of the persons or institutional or organisational head specified in section 4 who violates any of the provisions of this Act shall be punishable with fine which may extend to fifteen thousand rupees and with imprisonment which may extend to five years in case of an Indian national, and declaring of *persona non grata* in the case of a foreigner.

STATEMENT OF OBJECTS AND REASONS

It has become imperative to curb the utilisation of foreign money for publicity material, printing of books, magazines, weeklies and daily newspapers for undermining the national solidarity and national integration and to run any institution or organisation apparently with educational, social or religious object but which indulges in subversive and anti-national activities. A curb should be put on political parties too if they accept foreign money from any Government or its any agency for adopting particular lines or bias.

Hence this Bill.

RAJDEO SINGH.

NEW DELHI;
The 2nd December, 1974.

BILL NO. 2 OF 1975

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1975. Short title.

2. In the Eighth Schedule to the Constitution, entries 7 to 15 shall be re-numbered as entries 8 to 16 respectively, and before entry 8 as so re-numbered, the entry "7 Konkani" shall be inserted. Amendment of Eighth Schedule.

STATEMENT OF OBJECTS AND REASONS

Konkani is the language of Goa just as Gujarati of Gujarat, Marathi of Maharashtra or Bengali of West Bengal and has been recorded as such in the various Census Returns. It has an official Status in the Administration of Goa, Daman and Diu and it has been recognised also by the Government of Kerala. It is mainly in Konkani that programmes are broadcast from the Panjim Station of All India Radio and also they are broadcast from Bombay Station, Dharwar Station and some Stations in Kerala. It has rich literature and the younger generation is wholeheartedly devoted to writing and composing in it. Its universally recognised standard script is Devanagari, but there is literature also in Roman, Kannada and Malayalam scripts.

Konkani requires and deserves recognition by the Government of India for its further development.

It is, therefore, desirable that Konkani is included in the Eighth Schedule to the Constitution of India.

Hence this Bill.

NEW DELHI; PURUSHOTTAM KAKODKAR.

The 2nd December, 1974.

BILL NO. 1 OF 1975

A Bill to provide for the better regulation and encouragement of public dramatic performances in the Union territory of Delhi.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi Dramatic Performances Act, 1975. Short title and extent.

(2) It extends to the whole of the Union territory of Delhi.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "objectionable performance" means any play, pantomime or other drama, or any portions or passages, actions or gestures in a play, pantomime or other drama which is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious

beliefs of that class or is grossly indecent, or is scurrilous or obscene or intended for blacmail, or which is liely to—

(i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

(ii) incite any person to commit murder, sabotage or any offence involving violence; or

(iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or

(iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India.

Explanation I.—A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy of administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II.—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole, and any portions or passages, actions or gestures should not be torn out of context and considered to the detriment of the integrity of the play, pantomime or other drama.

(*b*) "public place" means any building or enclosure, or any place in the open air or any pandal where the sides are not enclosed to which the public are admitted to witness a performance.

Issue of notice objectionable performances.

3. Whenever the District Magistrate is satisfied that any play, pantomime or other drama, or any portions or passages, actions or gestures in a play pantomime or other drama perfomed or about to be performed in public place is an objectionable performance, he may issue a notice to the person or persons concerned asking them to show cause why such play, pantomime or other drama, or such portions or passages, actions or gestures should not be ordered to be prohibited or cut out from the performance, as the case may be, within a period of seven days from the service of the notice.

Power to prohibit objectionable performance after public hearing

4. (1) After the receipt of the reply to the notice issued under section 3, the Magistrate shall proceed to hold a public hearing and after allowing the persons concerned to make an oral representation pass an order withdrawing the show cause notice or he may, by order stating the grounds on which he considers the performance objectionable, prohibit the performance for a period of one month.

(2) If no reply to the show cause notice is received within seven days, the Magistrate may, by order stating the grounds on which he considers the performance objectionable, prohibit the performance for a period of one month.

(3) The prohibition under sub-sections (1) and (2) shall cease to operate at the expiration of the period of one month unless, on an application by the Magistrate concerned, the District Court, after hearing the parties concerned, agrees to extend the prohibition for a further period to be specified by the said Court.

(4) Every order made under this section shall be published in the Official Gazette and may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

Penalty for disobeying order.

5. Whoever, after the issue of order under section 4, takes part in the performance prohibited thereby, or in any performance substantially the same as the performance so prohibited, or in any manner assists in conducting the performance so prohibited, shall be punishable, on conviction before a Magistrate empowered in this behalf, with a fine not exceeding rupees five hundred or with simple imprisonment upto one month in lieu thereof.

Appeal to High Court.

6. Any person aggrieved by an order under section 4 may, within sixty days of the publication of such order under sub-section (4) thereof, prefer an appeal to the High Court, and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from and may pass such consequential or incidental orders as may be necessary.

(2) Every such appeal shall be heard by a Bench of not less than two Judges.

Prohibition of precensorship.

7. Pre-censorship of play, pantomime or other drama shall be prohibited.

Offence to be non-cognizable.

8. Any violation of the prohibitory order issued under section 4 shall be a non-cognizable and a bailable offence.

Entertainment tax not to be imposed.

9. Notwithstanding anything contained in any other Act for the time being in force, there shall not be imposed any entertainment tax or levy on the performance of any play, pantomime or other drama.

Institution of cash award.

10. It shall be the duty of the Central Government to institute annual cash awards to be shared by the writers and the artistes for the best three performances of new plays, pantomimes or other dramas in the previous calendar year.

Explanation.—The words "other dramas" used in this section shall include tamashas, navtankis and other folk forms with dramatic content.

Setting up of examining committee.

11. The Central Government shall set up examining committees for the purpose of declaring the awards, and shall frame rules for the purpose in such a manner that nepotism, influence-pedalling and corruption shall as far as may be eliminated.

Power to make rule.

12. (1) The Central Government may, by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of Madras Act XXXIII of 1954.

13. The Madras Dramatic Performances Act, 1954, as extended to the Union territory of Delhi, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Madras Dramatic Performances Act, 1954, as extended to the Union Territory of Delhi, has been modelled to a large extent on the lines of the Dramatic Performances Act, 1876 which is a piece of obsolete legislation of British imperialist days.

The vicious principle of pre-censorship, prohibiting of performance of plays and folk forms "likely to excite feelings of disaffection to the Government" are antithetical to democracy and are calculated to support the Ruling Party.

In first decade of the twentieth century, the British Government banned K. P. Khadilkar's play 'Keechak vadh' because the imperialists saw in Keechak a parody of the Viceroy, Curzon, and in Bheema an image of radical nationalist, Tilak.

In free India also the Delhi Administration and other administrations often seeks to prevent performances of plays which hold the present leaders to ridicule.

A fresh enactment is, therefore, required for the Union territory of Delhi.

This Bill abolishes pre-censorship, provides for humane and enlightened regulation of performances, and provides for awards to writers and artistes with a view to encouraging this ancient artistic form which combines both entertainment and enlightenment.

It also abolishes entertainment tax on public performances of plays.

The Bill seeks to incorporate reforms which were advocated by great literary figures like Bernard Shaw.

NEW DELHI; MADHU LIMAYE.

The 12th November, 1974.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 16(41)/74-CA. II/3, dated the 21st December, 1974 from Prof. S. Nurul Hasan, Minister of Education, Social Welfare and Culture to the Secretary-General, Lok Sabha].

The President having been informed of the subject matter of the Delhi Dramatic Performances Bill, 1974 recommends introduction of the Bill in the Lok Sabha under Article 117 (1) of the Constitution.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for hearings before the court. This will involve minor additional expenditure on Magistrates, courts, etc. Clause 10 provides for institution of annual cash awards by the Central Government. A recurring expenditure of a few thousand rupees is likely to be involved from the Consolidated Fund of India on these accounts.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to frame rules to carry out the purposes of this Act. As the rules will relate to matters of detail such as manner of working of examining committees, the delegation of legislative powers is of a normal character.

S. L. SHAKDHER,
Secretary-General.

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